

APRIL 19, 1984

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

NOTICE OF INTENT TO TAKE REAL AND PERSONAL PROPERTY

WHEREAS, the BOSTON REDEVELOPMENT AUTHORITY adopted and filed in the Suffolk County Registry of Deeds, Book 7929, Page 440, an Order of Taking dated February 4, 1965, concerning and describing the Downtown Waterfront-Faneuil Hall Urban Renewal Area, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof.

NOW THEREFORE NOTICE IS HEREBY GIVEN that the Boston Redevelopment Authority, acting under the provisions of General Laws, Chapter 121B and without limiting the generality of the foregoing, of Section 11(d), of said General Laws, Chapter 121B, and all other authority thereunto enabling, and pursuant to the applicable provisions of General Laws, Chapter 79, and of any and every power and authority to it, granted or implied, intends to take for itself by eminent domain, for the purposes hereinbefore set forth or referred to, the following real and personal property:

- (a) In fee simple, the real property located in the City of Boston as hereinafter described in "Annex A" attached hereto, together with any and all easements and rights of whatever nature or description appurtenant thereto, including any trees, buildings and other structures standing upon or affixed thereto, and including the fee, if any, in all public streets, highways and public ways in said area or areas contiguous and adjacent to the area or areas taken hereby, provided such fee is a part of said real property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto, and
- (b) All right, title and interest of whatever nature or description, of Boston Waterfront Associates I or its successors in interest or assigns, in or



under or in any way related to the Land Disposition Agreement made and entered into on July 17, 1969, by and between the Boston Redevelopment Authority and Boston Waterfront Associates I.

AND BE IT FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority shall forthwith cause this Notice of Intent to Take Real and Personal Property to be given pursuant to the General Laws, Chapter 79, Section 5C, to the persons or entities listed on Annex "B" attached hereto.

AND BE IT FURTHER ORDERED that this Notice of Intent to Take Real and Personal Property does not and is not intended to constitute, nor shall it be deemed to constitute, a finding, determination, vote, resolution, order, admission, statement or opinion of the Boston Redevelopment Authority that any person or entity other than the Boston Redevelopment Authority (whether listed or not on Annex "B" attached hereto) has any right, title or interest of any nature or description in the real or personal property which is the subject of this Notice.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority, have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and on behalf of the Boston Redevelopment Authority.

DATED:

BOSTON REDEVELOPMENT AUTHORITY

\_\_\_\_\_  
James K. Flaherty

\_\_\_\_\_  
Robert L. Farrell

\_\_\_\_\_  
William A. McDermott

\_\_\_\_\_  
Joseph J. Walsh

\_\_\_\_\_  
Clarence Jones

ATTEST:

\_\_\_\_\_  
Secretary of the Boston Redevelopment Authority



ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

NOTICE OF INTENT TO TAKE REAL AND PERSONAL PROPERTY

REAL PROPERTY DESCRIPTION

The following is the parcel of real property subject to the foregoing Notice of Intent to Take Real and Personal Property:

A parcel of land and water known as Rowes and Fosters Wharves, on Atlantic Avenue in Boston, Suffolk County, Massachusetts, bounded and described as follows:

Beginning at a point on the easterly sideline of Atlantic Avenue, said point being the northwest corner of the property to be described, said property being now or formerly of the Boston Redevelopment Authority, said point of beginning having a Massachusetts Coordinate System value of X=721,346.69 and Y=494,815.18;

Thence running N 71° 12' 21" E along land or formerly of First City Developments Corp. of Boston - Harbor Towers II, a distance of six hundred forty-six and 50/100 (646.50) feet to a point on the State Harbor Line and former United States Pierhead & Bulkhead Line established by the War Department on April 24, 1940;

Thence turning and running S 28° 55' 55" W along said State Harbor Line and former United States Pierhead & Bulkhead Line a distance of eight hundred fifty and 01/100 (850.01) feet to a point;

Thence turning and running N 69° 05' 34" W along a line perpendicular to the Harbor Line in Boston Harbor established by Chapter 170 of the Acts of 1880 a distance of thirty-three and 12/100 (33.12) feet to a point;

Thence turning and running N 78° 09' 39" W along land now or formerly of Atlantic Avenue Limited Partnership, a distance of two hundred one and 29/100 (201.29) feet to a point;

Thence turning and running N 9° 10' 35" E, along the easterly sideline of said Atlantic Avenue, a distance of two hundred thirty-one and 00/100 (231.00) feet to a point;

Thence turning and running N 2° 11' 11" W along the easterly sideline of said Atlantic Avenue, a distance of two hundred fifty-four and 67/100 (254.67) feet to the point of beginning,

said parcel containing 234,224 square feet, more or less and being shown on a plan entitled "Property Line Plan for The Beacon Companies, Atlantic Avenue, Boston, Massachusetts" dated April 16, 1984, Scale 1 inch = 40 feet, prepared by Cullinan Engineering Co., Inc.



ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

NOTICE OF INTENT TO TAKE REAL AND PERSONAL PROPERTY

PERSONS TO RECEIVE NOTICE

The foregoing notice shall be given to the following:

- (a) Boston Waterfront Associates I  
c/o Dreyfus Properties  
131 State Street  
Boston, Massachusetts 02109

and

Boston Waterfront Associates I  
340 East 46th Street  
New York, New York

- (b) First City Developments Corp. of Boston -  
Harbor Towers I  
85 East India Row, Suite 29F  
Boston, Massachusetts 02110  
Attention: Gregory A. Rand, President

- (c) City of Boston  
Mayor Raymond L. Flynn  
City Hall  
One City Hall Plaza  
Boston, MA 02201



MEMORANDUM

APRIL 19, 1984

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: WATERFRONT PROJECT, MASS. R-77, AUTHORIZATION TO GIVE NOTICE OF INTENT TO MAKE A CONFIRMATORY ORDER OF TAKING CONCERNING ROWES/FOSTERS WHARF DEVELOPMENT SITE

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As you recall, on March 15, 1984, the Authority voted to inform all interested parties that there were no existing rights under the July 17, 1969 Land Disposition Agreement by and between the Authority and Boston Waterfront Associates I concerning Parcel 3T(b) belonging either to Boston Waterfront Associates I or to their proposed conditional assignee, First City Development Corporation of Boston. Said letter was sent by Certified Mail and we have had no further response from the parties. However, First City's court action pressing its alleged rights under the agreement, is still pending before the Suffolk Superior Court.

The Rows/Fosters Wharf development is proceeding in a timely fashion through the design review process and it is necessary for the Authority to ensure that a clear title to the property is available when the proposed lease is scheduled to commence in November. In order to ensure that all procedural due processes are complied with in regards to a confirmatory taking of this parcel, it is recommended that the Authority, by adopting the attached Resolution, authorize the sending of a "Notice of Intent to Take Real and Personal Property", namely the fee simple and title of Rows/Fosters Wharf, as well as all right, title and interest of whatever nature that Boston Waterfront Associates I or its successors and assigns may have under the original July 17, 1969 Land Disposition Agreement.

VOTED: That the Authority hereby adopts the attached Resolution, including the Notice of Intent to Take Real and Personal Property dated April 19, 1984, concerning the Rows/Fosters Wharf development site in the Downtown Waterfront-Faneuil Hall Project, more definitively described in Annex A of said notice; and the Director is hereby authorized to comply with any other applicable procedures under Chapter 79 of the Massachusetts General Laws that the Chief General Counsel determines necessary, including obtaining appraisals, if applicable, to ensure clear title for this parcel under the proposed Lease Disposition Agreement.



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that a "Notice of Intent to Take Real and Personal Property" dated April 19, 1984 , relating to a portion of the DOWNTOWN WATERFRONT-FANEUIL HALL URBAN RENEWAL AREA, MASS. R-77, and a certain Land Disposition Agreement dated July 17, 1969, as described further in said Notice, be executed and made a permanent part of these proceedings, and notice of which the Secretary shall forthwith cause to be given as directed in said Notice, pursuant to General Laws, Chapter 79, Section 5C.

A true copy.

ATTEST:

\_\_\_\_\_  
Secretary of the Boston Redevelopment Authority

CERTIFICATE

I hereby certify that the following names constituted the entire membership of the Boston Redevelopment Authority on the date the above Resolution was adopted:

James K. Flaherty  
Robert L. Farrell  
William A. McDermott

Joseph J. Walsh  
Clarence Jones

A true copy.

ATTEST:

\_\_\_\_\_  
Secretary of the Boston Redevelopment Authority

DATED: \_\_\_\_\_

